

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

115-9-13495

IN THE MATTER OF:

WILFREDO RODRIGUEZ GONZALEZ
MARTA VAZQUEZ VIDOT

DEBTORS

CASE NO 10-07134 BKT

CHAPTER 13

MOTION OBJECTING PLAN

TO THE HONORABLE COURT:

NOW COMES creditor **BANCO BILBAO VIZCAYA ARGENTARIA (BBVA)**, represented by its undersigned attorneys and respectfully states and prays:

1. On **August 6th, 2010**, debtors filed the instant petition for relief.

2. Once again, debtors filed a plan dated September 30th, 2010, by means of which they propose to pay to the Trustee the sum of \$375.00 for the first one (1) month and \$425.00 for fifty-nine (59) consecutive months for a total base of \$24,450.00. From said proceeds the Trustee shall disburse \$3,000.00 for attorney's fees. The plan further states that they consent to the lifting of the automatic stay in favor of BBVA.

3. BBVA is holder in due course of a duly recorded money purchase security agreement with security interest (contract number 9616323445) at the Motor Vehicles and Trailers Registry of the Department of Transportation and Public Works of the Commonwealth of Puerto Rico, which encumbers a 2009, Suzuki Grand Vitara automobile, engine number JS3TD042894100805 registered in the name of WILFREDO RODRIGUEZ GONZALEZ. (See Exhibit "A")

4. BBVA respectfully requests from this Honorable Court to enter an Order denying confirmation of the proposed plan based on the following grounds:

a. Section 1325(a)(5) of the Bankruptcy Code, [11 USC 1325(a)(5) states as follows:

"(5) with respect to each allowed secured claim provided for by the plan-
(A) the holder of such claim has accepted the plan;
(B) (i) the plan provides that the holder of such claim retain the lien securing such claim; and
(ii) the value, as of the effective date of the plan, of property to be distributed under the plan on account of such claim is not less than the allowed amount of such claim; or
(C) the debtor surrenders the property securing such claim to such holder;

b. Pursuant to BBVA's record debtor holds possession of the vehicle above described. As per the statement of Financial Affairs, there has been no transfer of the vehicle. It is important to note that, by not surrendering the vehicle, debtors intend to continue using the same until BBVA is able to foreclose its security interest in a judicial action.

c. It is BBVA's contention that debtors have filed in bad faith the instant plan because she should had provided for the immediate surrender of the vehicle instead.

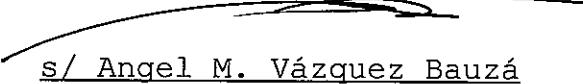
WHEREFORE, it is respectfully requested from this Honorable Court to grant this Motion and to enter an Order denying confirmation of the proposed plan.

Motion Objecting Plan
Case No.: 10-07134 BKT

I HEREBY CERTIFY: On this same date I electronically filed the foregoing document with the clerk of the Court using the CM/ECF System which will sent notification of such filing to the following: Attorney for Debtor(s), **JUAN O CALDERON LITHGOW, ESQ** and to Chapter 13 Trustee, **JOSE RAMON CARRION MORALES** and by ordinary mail to debtor(s) and to all creditors and parties in interest appearing in the attached Master Address List.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 1 day of *October*, 2010.


s/ Angel M. Vázquez Bauzá
ANGEL M VÁZQUEZ BAUZÁ, ESQ.
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ENR & Associates
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ooo

ESTADOS LIBRE ASOCIADO DE PUERTO RICO
DEPARTAMENTO DE AUTOMOVILES Y AUTOMOVILES
DIRECTORIO DE SERVICIOS AL CONDUCTOR
CERTIFICADO DE TITULO

NUMERO DE TITULO A 4279395	07dic2009 15:03:29 07dic2009	0403-0487-5224-0000000000 7226371	FECHA EXPEDICION 15ago2009	NUMERO DE REGISTRO FECHA REGISTRO
NUMERO DE SERIE (VIN) JS3TD042094100005		MARCA suzuki grand vitara	ANIO 2004	TIUM CILINDROS 04
OPCARGA 0#	PERO 0#	NUEVO USADO Nuevo	TITULO ANTERIOR Cert. Oficina	ESTADO TP
ODOMETRO 10				COLOR negro

NOMBRE Y DIRECCION DEL DUEÑO REGISTRAL:

Nombre: RODRIGUEZ GONZALEZ, WILFREDO
Resid: BO. TIBURON II
CALLE 13 BZN 70
BARCELONETA PR 00617

Postal: BO. TIBURON II
GRAVAMENES CALLE 13 BZN 70
BARCELONETA PR 00617

PRIMER GRAVAMEN (VENTA CONDICIONAL)

BBVA

SEGUNDO GRAVAMEN (OTROS)

CANCELACION GRAVAMEN

EL (LOS) ABJO FIRMANTE (S) TENEDOR (ES) DEL GRAVAMEN SOBRE EL VEHICULO DE MOTOR DESCRITO ARRIBA CERTIFICAMOS QUE EL MISMO HA SIDO PAGADO (SI MAS DE UN GRAVAMEN DEBERAN APARECER DOS (2) FIRMAS)

PRIMER GRAVAMEN _____ FECHA _____ FIRMA AUTORIZADA _____
SEGUNDO GRAVAMEN _____ FECHA _____ FIRMA AUTORIZADA _____

Rodríguez
SECRETARIO DTO.
O REPRESENTANTE AUTORIZADO

FECHA
15ago2009
DIA-MES-ANO

ESTE ES SU
TITULO DE PROPIEDAD.
CONSERVELO EN
SITIO SEGURO.

FECHA
15ago2009
DIA-MES-ANO

NUMERO CONTROL
A- 9047562

NO ES VALIDO SI ES ALTERADO

Label Matrix for local noticing

0104-3
Case 10-07134-BKT13
District of Puerto Rico
Old San Juan
Mon Oct 4 11:17:32 AST 2010
PR DEPARTMENT OF LABOR
PRUDENCIO RIVERA MARTINEZ BLDG
505 MUÑOZ RIVERA AVENUE
12 FLOOR
SAN JUAN, PR 00918

DEPARTAMENTO DE HACIENDA
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OFICINA 424-B
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ARECIBO, PR 00613-1056

(p) COOP A/C DE MANATI
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MANATI PR 00674-8516

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BANKRUPTCY DIVISION
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SAN JUAN PR 00908-0146

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BANKRUPTCY DEPARTMENT
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MARTA VAZQUEZ VIDOT
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MONSITA LECAROZ ARRIBAS
OFFICE OF THE US TRUSTEE (UST)
OCHOA BUILDING
500 TANCA STREET SUITE 301
SAN JUAN, PR 00901-1938

WILFREDO RODRIGUEZ GONZALEZ
PO BOX 1344
BARCELONETA, PR 00617-1344

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

COOP A/C MANATI
PO BOX 562
MANATI, PR 00674